

RUMSON ZONING BOARD OF ADJUSTMENT
APRIL 16, 2013
MINUTES

Chairman Conklin called the regular meeting to order at 7:00 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Conklin, Atwell, Wood, Brodsky, Thompson, Blum, Duddy. Also present: Bernard Reilly (Board Attorney), Fred Andre (Zoning Officer), State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

Mr. Andre was sworn in at this time.

Judith Trepanier, 27 Waterman Ave.

The application has been withdrawn, and a new application will be submitted for the June meeting.

Richard & Bonnie Rizzetta, 25 Avenue of Two Rivers

The application has been withdrawn.

Robert McLynn, 83 Waterman Ave.

Mr. McLynn was sworn in, along with Stephen Lane, his architect, whose qualifications were accepted by the Board. Mr. McLynn stated he purchased the house in 2011. They would like to elevate the residence to comply with the flood elevations. Mr. Lane showed the Board drawings of the proposed residence, which includes first and second floor front porches and a new second story addition. They are going up 8' from the present elevation. The home had structural damage due to Super Storm Sandy. They are now in a "V" flood zone. The second floor addition will be going over the front of the dwelling that faces Waterman Ave. The third floor will have modifications to provide habitable space.

The variances being requested include:

- Existing side yard setback will continue (3.17' one side where 8' are required / total 12.87' where 18' are required);
- Rear setback will also continue (50' required / 37.50' existing).

They are requesting a C-2 variance, and it is Mr. Lane's opinion that the purpose of the zoning ordinance will be advanced by the proposed application. Grading will not change, nor will the drainage.

The first floor office addition is not on the 3.17' set back side. The second floor will have two bedrooms. The third floor will have added dormers to match the existing dormers. The mechanicals will be located in the attic space. They have maxed out the floor area with their plan. The height of the house is 45' to the ridge, and the existing height is measured from the ground at 29.5'.

Chairman Conklin asked Mr. Lane to identify the area for the increase in building coverage. Mr. Lane said they are adding an office and the front porch, which is 40' x 6.5' in size, plus steps in front and rear – all of which add to the additional building coverage.

Mr. Blum noted that they basically filled in areas of the house that now add up to 3,500 sq. ft. Mr. Lane stated that they also increased the third floor that also adds to the building coverage. All the adjustments now add up to 3,500 sq. ft. There are six bedrooms.

Chairman Conklin thinks the plans are confusing. Mr. Lane explained that there are five bedrooms on the second floor and one on the third floor, for a total of six bedrooms. His numbers were revised after a meeting with Mr. Andre, and that is what he has submitted. He apologized for not changing his note on the plan.

There were no questions or comments from the public.

The “V” zone flood requirements were reviewed, with reference to the proposed height of the house. The first floor will be at elevation 15'.

Mr. Duddy agrees with the numbers, and he does not have a problem with the plan.

Mr. Thompson expressed concern with the setbacks, taking into consideration the amount of work being proposed. Mr. Lane said they are filling in some areas, and the lot does get a little wider in the front, but it does not become conforming.

The variance is for the right side yard corner (3.17'). The second floor porch will be accessible. Chairman Conklin asked if the applicant would have a problem if this were made for ornamental purposes only, with no access. The applicant said he would need to think about this.

Mr. Blum asked about the side yard requirements, noting that the existing house does not exceed 85% of the floor area, so he thinks the side yard requirement now would be 6' one side / 16' total, and he thinks this creates a new variance if it exceeds 85%. He questioned if this was included in the notice, and Mr. Reilly said they did notice for a side yard variance, and there has been testimony regarding this issue.

Mr. Blum thinks there is a problem with insufficient setbacks, and he does not think testimony has occurred to justify the increase in size with the nonconforming setbacks, other than the fact they want to build a bigger house. Mr. Lane thinks the benefit of improving the house outweighs the detriments, and the house will beautify the area and be comparable to others nearby. The variances they are seeking state that the benefits should outweigh any detriments, and he believes they do. Their setbacks will not be changing.

Chairman Conklin noted that the deficient side yard will now be much higher. Mr. Lane feels the symmetry of the house makes it look more beautiful, and this looks better than taking a notch out of it to adhere to the zoning ordinance. Chairman Conklin again noted they are maxing out everything, and he thinks the neighbors will be negatively impacted.

There is a pool, but this does not affect lot coverage, since some areas are stone covered and are not included in their figures.

Mr. Thompson has a problem with incurring a new variance to build this large of a house. He thinks it is too much for the lot. He understands that they want to make it better and more modern, but he has issues with the plan. It was noted that there has never been a garage on the property.

Their hardship, according to Mr. Lane, is that they need to elevate the property.

Chairman Conklin does not like the porch on the second floor and would not be in favor of this. He thinks the house could be pushed in on the second floor somewhat. The plan looks very boxy and will be a lot higher with the same deficient setback. He thinks there may be a way to work around this.

An informal poll of the Board found that no one was in favor of the plan and felt it should be reduced in size. Mr. Reilly advised that they can ask for a vote, or ask that the application be carried. The applicant asked that the application be carried to the May 21st meeting, and no further notice will be required, unless the variances are increased.

Terence & Marnie Doherty, 88 ½ Rumson Road

Mr. Doherty was sworn and explained their plan to construct a new in ground pool and patio in the rear of their residence. This is a flag lot and requires a variance for no street frontage and also because there is an existing accessory structure (shed) in the front yard with a side yard nonconforming setback. The rear and side setbacks for the pool will be conforming (25'). There is no pool house proposed.

There were no questions or comments from the public. Mr. Duddy moved to approve the application, and Mr. Thompson seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Brodsky
Nays – None

Motion carried.

Jason & Lisa Halikias, 40 Washington Ave.

Mr. & Mrs. Halikias were sworn in, along with their architect, Kathy Zuckerman, whose qualifications were accepted by the Board. They have lived in their home for ten years and would like to raise it to the required flood elevations

Ms. Zuckerman stated they would like to raise the house to elevation 13' to be safe. The house has two bedrooms downstairs and two bedrooms upstairs with very low headroom. They will have all bedrooms upstairs after construction. The height will be under the maximum height of 45'. They also propose an added porch, which causes a setback issue (23.6' where 30' are required). They also have a maximum building coverage nonconformity (2,119 sq. ft. allowed / 2,676 sq. ft. proposed). There is no garage on the property, and they are proposing a new, attached garage. The porch is 7'4" deep to allow for a chair, which creates a variance, but the main portion of the house is conforming.

The building coverage is over slightly, and this is also due to the added porch, which will be wrapped around the side of the house, and also due to the newly-added garage.

Thomas Collain, 3 Shrewsbury Dr., was sworn in and said he has spoken to his neighbor and he is in favor of the application.

There were no other questions or comments from the public.

Mr. Thompson thinks the plan looks good, and he would be in favor of approval.

Mr. Duddy thinks this is a new reality, and he understands this is the way it has to be. He thinks they have done an excellent job.

Mr. Blum would be more comfortable with testimony as to how it compares to the existing structure.

Mr. Duddy said all the houses are close in this area. This house is on the corner.

Mr. Halikias said they are at the dead end of Washington Ave., near Polly's Pond. Heights of nearby homes were discussed. In general, the front setback for the nearby homes are closer to Washington St. than their home, or the same.

Chairman Conklin thinks the setbacks are where they are going to be in the future, because of the desire for porches, and he thinks they have done a very good job.

Mr. Thompson moved to approve the application, and Dr. Wood seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Brodsky

Nays – None

Motion carried.

David & Susan Petrick, 10 Packer Ave.

Chairman Conklin noted a typo in the agenda, and the proposed building coverage for this application is 2,740 sq. ft.

Mr. Petrick was sworn in, along with his architect, Anthony Condouras. The Board accepted Mr. Condouras' qualifications.

Mr. Petrick said they want to bump out the bedroom area in the front of the house. Mr. Condouras explained that they would like to extend the bedroom area of the house 4.5', as well as the porch. This creates a front yard setback issue. The rear of the house has an existing deck that they would like to cover with a roof, to be consistent with another nearby roof on the house. The deck existed when the Petrick's purchased the house, and in 2010 they added to this area. Chairman Conklin noted that application caused the building coverage to go over that allowed at that time. He thinks this is substantial building coverage for this lot (20% over what is allowed). Mr. Petrick said it is only a cover for the porch; however, Chairman Conklin said once it is covered it becomes a part of their building coverage.

Mr. Petrick showed the Board an aerial view of what currently exists, explaining how they want to extend an existing roof to allow them to use the porch area in many kinds of weather and give them an outdoor space for their use. They did have an awning, but it still allowed water into the area. Mr. Condouras said this is a ranch home that creates more building coverage than a typical two-story house.

Mr. Andre was asked if they get a variance for the roof, could they then enclose the area, and Mr. Andre said they would need to come back for this type of application. Mr. Petrick noted that almost anything they propose for this house requires them to appear before the Board, due to the odd lot shape.

Comments were heard regarding the front setback, which the Board felt was a larger issue, and Mr. Petrick explained their wishes for this area.

Mr. Blum has a concern with a reduction of an already nonconforming setback. They need to give the board a reason for this or a hardship that would justify the variance. Mr. Petrick thinks this plan is the least problematic for the neighborhood that still allows them to have more room in the bedroom. Mr. Blum acknowledged that it would be "nice" to have more room, but this is not a reason to approve a nonconformity. Mr. Petrick does not think it would be an eye sore to the neighborhood, since they would only be going out 4', and it would not be that noticeable. Mr. Blum thinks they need a positive planning reason for the Board to approve the request.

Other setbacks on the street were questioned, but Mr. Petrick said he does not have this information, although he thinks they are all pretty much the same.

Chairman Conklin noted they have not provided any interior plans for the Board to see. Mr. Petrick thinks their plan provides the least change in look for the property. He thinks it is the most convenient for him and also for his neighbors. The other side of the house has a nice garden that they want to maintain.

Mr. Reilly advised that the front setback is a problem, noting that they already are over the requirement for the front setback. Their only reason for the increased variance is to increase the size of the house, which does not justify approval. They are significantly increasing the nonconforming setback with their plan, and the zoning ordinance addresses this.

Mr. Petrick asked that the application be continued so they can take the Board's comments into consideration. Chairman Conklin asked the Board how they felt about the roof, which causes an increase in the building coverage. Mr. Brodsky thinks the setup could allow this and he would be OK with it. Other members thought there is already some cover, and in general, they would be in favor of this.

There were no questions or comments from the public. Mr. Petrick asked about their moving out the front, and Mr. Blum said he thought there should be more testimony for this, and they would need to demonstrate that any conforming addition would be impractical.

The application will be carried to the May 17th meeting, with no further notice required.

Jack & Ann Ross, 16 Broadmoor Drive

Brooks Von Arx, attorney, appeared on behalf of the applicants. The property is 1.8 acres, which is oversized for the zone. The house was substantially damaged during the storm, and the property is nonconforming due to a shortage of lot frontage. An existing garage is intended to remain.

Dr. Ross was sworn in, along with his wife, Ann Ross. Anthony Condouras, architect, was also sworn in, and the board again accepted his qualifications.

Chairman Conklin asked about the lot coverage, and Mr. Condouras said he has the figures ready for testimony. Mrs. Ross explained that the house sustained significant water damage during the storm, and they felt it was not feasible to renovate the building, which was not built on pilings, and would be too difficult to achieve with this home. Mr. Condouras explained the plan for the new house, which is a two-story home with the same footprint of the old home, which is proposed slightly smaller as to building coverage than the original home. The house will conform to the flood elevations for the "V" zone. The house is much more attractive than the original house. The house is 70% of what could be built on this lot. The lot coverage allowed is 16,988 sq. ft. The existing lot coverage is 22,179 sq. ft., and 21,930 sq. ft. are proposed with this plan. The gravel driveway is a substantial reason for the lot coverage. The driveway is over 3,500 sq. ft., which is why they have an overage in lot coverage for this unusual lot. The lot coverage variance is about 5,000 sq. ft. – mostly due to the driveway.

The house is intended to be rebuilt; however, there are some portions of the house that will be retained. One porch off the side yard will be kept, but because the major portion of the house is to be demolished, this becomes a variance for them. This is a single-story structure. The pool, cabana, and detached garage will remain.

It is Mr. Condouras' opinion that no adverse affect will be felt by any surrounding properties, and this will be an aesthetic improvement for the property.

This house will be conforming, except for the two remaining structures.

Speaking from the public, the neighbor from 18 Broadmoor Drive was sworn in and spoke in favor of the application.

Mr. Duddy agrees that there is a lot of driveway, and the proposed building is actually smaller than what exists.

Mr. Thompson moved to approve the application, and Mrs. Atwell seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Brodsky

Nays – None

Motion carried.

Robert & Michele Lewis, 6 West Cherry Lane

Mr. Lewis was sworn in and said they would like to expand their kitchen and get more access to the yard. The kitchen expansion will be accomplished by expanding the existing kitchen into the

garage, which is behind it. The current garage would provide a convenient expansion for this space. This would require them to construct a new garage at the end of the driveway adjacent to the front of the house, resulting in the driveway having an area in front to park and turn around. They would also like to make a vestibule out of the front landing area.

Chairman Conklin noted that the house was built in 1934 and is an older home they are trying to upgrade. He pointed out that there are unique aspects in older houses that the Board needs to consider.

The secondary frontage on South Cherry will have a covered porch (not enclosed), with an existing door from that side of the house. Mr. Lewis does not think there are any variances for this addition.

The driveway width was discussed, with Mr. Lewis explaining the design, which includes a pull-up area and turn-around area. The existing driveway opening will not change. They would like to be able to pull in and pull out and enable them to make a turn. The paved area will actually be reduced in the rear. The building coverage will go up, but the lot coverage will be reduced.

There were no questions or comments from the public.

Mr. Thompson asked about the drainage, and Mr. Lewis said that the property slopes to the right, and the left side is the highest point. The water runs left to right, according to the terrain. There is approximately 100' to the residence next door, which gently slopes toward his property.

Steven Bias, architect, was sworn in, and the Board accepted his qualifications. He explained the driveway, noting that they wanted to maintain the existing lawn and open up the left side. The parking area will be rectangle in shape. He described the paved area, noting that the area is 32' x 18' in size. The widest part is closest to the street, and reducing the length would reduce the efficiency and safety of the design. He again noted they will be reducing the existing coverage. The pavement will be 10' off the street and 5' off the property line.

Chairman Conklin thinks this is too much driveway. Mr. Bias suggested ways they could possibly change the layout to address the Board's concern. He noted that the property is on a very narrow lane. They are trying to make sure they have an adequate area to park a second car. He is willing to discuss ways of reducing this.

Mr. Blum understands their design to allow for a second car on the property. He thinks they may be able to shave off a few feet, but he doesn't think that would change much.

Mr. Brodsky thinks it looks commercial to have that large a parking area so close to the street. He thinks they could change it and still meet their needs, just not so close to the road. Mr. Bias said they could reduce it somewhat to address the concerns of the Board. They could pull it off the road another 10-12', if required.

Mr. Duddy agrees that it is too large an area so close to the street.

Mr. Thompson asked if they were planning any landscaping in this area, and Mr. Bias said they had a landscape plan to present.

Comments by the Board suggested they would not have a problem with the front porch variance, but the driveway needs to be reconfigured in their opinion.

Mrs. Atwell suggested putting the extra parking to the side of the garage, and this was thought to be a feasible suggestion.

Dr. Wood moved to approve the application, with the condition that the plan be revised regarding the driveway/parking area, and proposed plantings also be shown on the revised plan. Mr. Thompson seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Brodsky
Nays – None

Motion carried.

Chairman Conklin asked them to prepare a revised plan to include the revised driveway and plantings, which will be reviewed before the resolution is approved at the next meeting.

A short recess was taken at this time.

Bruce & Deborah Hohorst, 25 South Shrewsbury Dr.

Bruce Hohorst was sworn in and explained their plan to raze the existing home and construct a new home on the property. Anthony Condouras, architect, and Andrew Stockton, Engineer, were sworn in at this time. The Board accepted their qualifications.

Mr. Hohorst noted they have lived in their home for 10 years. The existing house is 35' from the road, and the required setback is 75'. They have a pond in the rear, and they are asking for a front yard variance (50.2' proposed / 75' required). Mr. Condouras said they are seeking the one variance for the front setback. The 50' setback is to the porch, and the actual setback to the building is 55.8'. He explained that the house is pushed back as far as possible, in order to give them a reasonable amount of room around the existing pond. The house is modest in size for the size of the lot. The pond is a man-made structure, which has been on the property for many years.

Mr. Stockton said that the lot is 2.6 acres in size, with water frontage along the river. The existing grades were explained, and the house was subject to flooding in the past. The site is in the AE flood zone at elevation 10'. The advisory flood zone map puts the property in two flood zones (A & V). Their new construction is proposed for elevation 13', which is 3' higher than the advisory base flood elevation, based on the "V" zone on a part of the lot. The existing pond on the property needs to be considered in their design and construction and is a driving force behind what they need to do. They are mandated by CAFRA to take this into consideration as it pertains to the pond.

The new home will be basically the same footprint size, but farther back from the road. The existing house is 35.2' from the road. The proposed location setback is more in character for the

neighborhood. They feel their plan is the best for the lot. Their hardship is due to the topographical features on the property. The usable area on the lot was explained, with approximately 1 ¼ acres available buildable area.

They are proposing a 5,700 sq. ft. FAR home on a lot more than an acre of buildable area, as pointed out by Chairman Conklin.

Mr. Hohorst stated that the hedges in the front of the property will be maintained or replaced if necessary.

Mr. Thompson said he is familiar with this property and thinks the pond poses a definite hardship to the property owner. He thinks they should be able to deal with the flooding in the rear. He thinks the plan is nice.

There must be a 25' setback from the pond, according to Mr. Stockton. The back of their deck is 28' from this pond. The new construction reflects permits acquired from several agencies. Mr. Stockton thinks the variances can be granted without substantial detriment to the public good. The project advances several of the zoning purposes.

There may be some regrading to build up the ground to the garage level (elevation 8.5' around the perimeter of the house). Their plan will allow water to flow out to the street, as it does now, into a new drainage system recently installed. There are also catch basins within the municipal right of way. The remainder of the yard area will not change as to drainage patterns.

Ms. Bradford, 28 Shrewsbury Dr., was sworn in and asked about drainage to the west side toward her property. Mr. Stockton said there should not be any drainage problems to this side, because there is an existing berm between the two properties on this side, and the water drains and stays on their property, draining toward the lot line toward the creek. There was also a retaining wall installed on this side, which is higher than the curb line, road, and the property behind it, directing water back toward Oyster Bay. There is also another retaining wall to the east, which serves the same situation with the water being forced to drain to the south toward Oyster Bay. There are also new catch basins and drains in the area beyond their property to the east. Their impervious coverage is basically the same as what currently exists. He does not think they will be making the flooding conditions any worse with their plan. Ms. Bradford said she likes the plan, but wants to make sure her property is not adversely affected.

There were no other questions or comments from the public.

Mr. Duddy asked about the space above the attached garage, and Mr. Condouras said it will be living space, and this was included in their FAR numbers.

Mr. Blum does not have a problem with the application, since they are replacing what was basically there and not increasing the floor area. He would recommend a grading plan be confirmed by the borough engineer to comply with borough standards, and this can be made a part of the resolution.

The Board also felt the hedge should be maintained or replaced, if needed.

Mr. Thompson moved to approve the application, which the conditions heard, and Mr. Duddy seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Brodsky

Nays – None

Motion carried.

William & Katherine Thompson, 12 Tyson Lane (Corner Shrewsbury River / Pond)

Mark Aikens, attorney, appeared on behalf of the applicants. He stated that the residence was decimated by the storm. They would like to raze the house and build a new residence. Jay Anderson, architect, was sworn in, along with Steven Krog, landscape architect. The Board accepted their qualifications.

Mr. Anderson described the property and presented an overview of the lot via a map provided marked A-2, dated 4/16/13. This shows Tyson Lane and the residences along the street, including the setback lines as exist and proposed for their property. Mr. Aikens noted that all the structures along the street do not have the required 75' setback, except for one new residence that was constructed about 10 years ago.

Mr. Anderson said that the application is for a new residence. They got 2' of water during the storm, and they felt the existing house configuration was not the best for the site. The new advisory flood elevations put this lot in a "V" zone, and he explained the differences between the A & V zones. The "V" zone status impacted their design for the home and the building coverage. This lot has an elegant beauty on the river side, which also affected their design. They felt that having the house in the same location was optimal for the site. The proposed elevation was shown (A-3, dated 4/16/13). It is a traditional design, and the variance for the building coverage is due to the wetlands on the property, which lessens the building area available. Exhibit A-4 depicts the construction proposed in accordance to the "V" zone requirements, including break-away panels, lattice work, etc. Their design is fully compliant according to NFIP and FEMA. The porch will not be heated, and accounts for the additional building coverage. If they reduced the porch in the rear, they would be close to adhering to the allowing building coverage. His design is an example of homes in Rumson built in the later part of the 19th century. The porches also help disguise the pilings design.

Mr. Duddy asked about the setback on Tyson Lane and why they could not observe the zone requirement. He asked what hardship is being presented. Mr. Anderson said their hardship would be due to the anomalies of the site and the environmental sensitive area on the site. Mr. Aikens stated that Mr. Krog will also show some constraints of the property that address this issue.

Chairman Conklin asked about the houses they mentioned that have a similar setback to their proposal, and Mr. Anderson stated most are older structures, except for the one new home that does comply with the setback requirement.

Mr. Krog was asked to address the question regarding the proposed front setback variance. He pointed out the wetlands on the lot, noting the available buildable areas. They felt the technical issues and architectural issues were best addressed with their plan. The frontage on Tyson Lane provides a much more usable frontage for them. Mr. Aikens noted that they could meet the primary setback on the Shrewsbury River side.

Mr. Krog described how they would be moving the driveway to the north and expanding the separation of the driveway. The architecture of the house causes them to add fill to the site. The existing grade is 7', and the proposed grade will be 10'. They need to make a grading transition back down to the north and west, and having a landscaped area would allow them to make a graceful transition (6' elevation away from the driveway). There are no retaining walls proposed. They do propose a line of evergreen trees and a grass swale along the south property line to allow water on the site to go into the existing wetlands area. If the house were moved to the west directly, it would impede them from avoiding the wetlands area. The swale area was designed by an engineer (James Kennedy), and functions to address future normal rain events that cause flooding in the area. The swale is an 8' wide grass structure between the evergreen trees and the south property line. The water shed handled by this swale was explained by Mr. Krog, noting that over a 100 year storm, the amount of water delivered to the swale would pass through and cause drainage to the pond in a northwest directly.

Mr. Brodsky questioned the proposed elevation (10'), and Mr. Krog explained how the finished floor would be 15.25' from grade. They followed the FEMA recommendations for grading around the house.

Mr. Duddy asked where the mechanicals would be installed, and Mr. Anderson said they would mostly be in the attic.

The main setback to the house, without the porch, which is proposed to be 8-9' deep, is 59' to the edge of the street.

Chairman Conklin commented that the porch in the rear appears to be very substantial in size and not just to cover up the lattice work. Mr. Aikens showed the board a colored rendering (A-7), which shows the covered porches. Chairman Conklin feels the rear porches provide much space, and could be an area that could be reduced to allow them to move the house back somewhat and provide a better setback in the front. Mr. Aikens said they felt they followed the development scheme of the street, where most of the houses do not meet the setback requirement. Chairman Conklin thought that some of the setbacks do not comply in only a small portion of the setback and not the entire setback. Mr. Aikens said this property would conform if the frontage was considered to be the water side and it is a corner lot.

Ms. Tavill, 10 Tyson Lane (neighbor to the south) was sworn in and said they think their house does have the 75' setback. She knows what the Thompson's have gone through with the storm. They like the design and do not have a problem with the setback. Their only issue is with the grading and the potential problems with water. She understands the tidal issue, but they feel substantial rain in the area may adversely affect them by this plan. They are concerned with the grading on their side of the property. She understands the concept of the swale, but is concerned

how it will affect her property. She had spoken to the Thompsons, who said they would remedy anything that affected her property; however, she still has concerns with the grading and swale. Her house is 10 years old and did not need any variances when constructed.

Mr. Aikens stated that the grading and drainage plan would be subject to the borough engineer's approval. Mr. Krog has testified that the swale will enable water to flow into the north end of the property. The south portion of the property was designed to have the proper dimensions to allow for the swale, which will be parallel to the property line, and the trees will be planted partly up the slope. The Thompson's will be giving up 8-10' of the property to provide this swale. They want to be good neighbors and not create any problems for their neighbors or themselves. Mr. Krog stated that this design will handle three times the 100-year storm. They could add additional screening to the south, and they have about 25' to work with in this area, so that the swale would not be visible from the adjoining property. Mr. Aikens said that many times the applicant will provide trees on neighbor's property at their cost, if this is an appropriate remedy, and they could do this.

Robert Sorokolit, a neighbor across the street, was sworn in and asked about the plan for the east side, next to his property. He would like to know the impact on this side. Mr. Krog said there is no work proposed for this side, and he showed the contours via their plan. All of the water draining from the new elevation toward the road will be captured by the existing swale along the west side of the lot in a rain fall event. Any tidal event would not change, and they have no control over this. The same drainage system that occurs at present would continue and should not impact him at all.

Mr. Aikens asked for a straw poll on the setback issue. Chairman Conklin commented that the neighbor to the south is concerned about drainage, and their house is 75' from the road. The proposed setback for the new house is 55'. He understands the swale design, but the reduced frontage would provide more of an impact to the neighbor to the south, whose house was built to conform. The only thing the Board has heard is about the wetlands in the corner, which was there when they purchased the property. He thinks the house should be made smaller to give them a conforming setback.

Mr. Brodsky thinks there is some movement they can make in the rear, and he also has a concern with the building coverage. He thinks it is beautiful plan, but they can minimize some areas. They are starting from scratch, and should conform, in his opinion.

Dr. Wood agrees.

Mr. Duddy thinks they should conform, although it is a magnificent house. He would like to see it get closer to the standards.

Mr. Blum agrees that more setback would be nice. He does not think it needs to go back the entire 75', because of the design element of the porch. The house is closer to 65' setback. The rear porches are substantial and attractive as additional living area. There is also extensive ground cover around the pool, and he thinks there is an opportunity to gain some additional

setback. It is a river lot, and the board had recognized this as a secondary frontage in the past. He would be inclined to consider something less than 75', but more than what is presented.

Mr. Thompson likes the plan, but thinks they should work with the neighbor for a landscape plan and compromise with the setback. He would support it as it is, if the neighbors are satisfied.

Mrs. Atwell thinks there is room to get a larger setback. The design is beautiful, but there is room to pull it back. She agrees with Mr. Blum that the setback does not need to be entire 75'.

Mr. Aikens said they would like the application carried to the next meeting, and this was approved with no further notice required.

Resolutions

1. **Randolph Rosen, 2 Broadmoor Dr.** – approval to construct new residence, cabana, and in-ground pool;
2. **Frank & Patricia D'Orazio, 53 Bellevue Ave** – Approval to construct in-ground pool, hot tub, and patio;
3. **William Meyer & Monica Pahuliz, 3 Parmly St.** – Approval to raze existing residence and detached garage and construct new single-family residence and one-car detached garage.

Mr. Thompson moved to adopt the resolutions, and Mrs. Atwell seconded.

Roll Call Vote: Ayes (Eligible) – Conklin, Thompson, Atwell, Duddy, Wood, Brodsky

Nays – None

Motion carried.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous.

Respectfully submitted,
Patricia Murphy
Clerk